

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN SENATE AUGUST 26, 2013

AMENDED IN SENATE JULY 8, 2013

AMENDED IN ASSEMBLY APRIL 23, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1008**

**Introduced by Assembly Member Buchanan**

*(Coauthors: Assembly Members Bonta, Skinner, and Wieckowski)*

*(Coauthors: Senators Corbett and Hancock)*

February 22, 2013

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An act to *add Section 31552.4 to the Government Code, and to amend Section 101850 of, and to add Section 101851 to, the Health and Safety Code, relating to ~~health care~~. Alameda County Medical Center, and declaring the urgency thereof, to take effect immediately.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 1008, as amended, Buchanan. Alameda County Medical Center: ~~privatization of services~~. *Center hospital authority.*

Existing law authorizes the board of supervisors of Alameda County to establish an independent hospital authority strictly and exclusively dedicated to the management, administration, and control of the Alameda Medical Center, and sets forth the powers and duties of the hospital authority, including, but not limited to, the power to contract for services required to meet its obligations.

This bill would prohibit the hospital authority from entering into any contract with any private person or entity before January 1, 2024, to replace services being provided by physicians and surgeons who are employed by the hospital authority and in a recognized collective bargaining unit as of March 31, 2013, with services provided by a private person or entity without clear and convincing evidence that the needed medical care can only be delivered cost-effectively by a private contractor. The bill would require that the authority, prior to entering into a contract for any of those services, negotiate with the representative of the recognized collective bargaining unit of its physician and surgeon employees over the decision to privatize, and would require unresolved disputes to be submitted to final binding arbitration.

*Existing law establishes the hospital authority as a district for the purposes of providing retirement benefits under the County Employees Retirement Law of 1937 and provides that employees of the hospital authority are eligible to participate in the county employees' retirement system to the extent permitted by law. Existing law establishes the Alameda County Employees' Retirement Association as a retirement system pursuant to the provisions of the County Employees Retirement Law of 1937.*

*This bill would limit the participation of certain employees of the hospital authority, including those who are employees of a facility that is acquired by, or merged into, the hospital authority, in the Alameda County Employees' Retirement Association, subject to specified criteria.*

This bill would make legislative findings and declarations as to the necessity of a special statute for resolving the unique needs faced by the county with respect to the operation and administration of the medical center.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. The Legislature finds that an agreement has been
- 2     reached between Sutter Health, operators of San Leandro Hospital,
- 3     and Alameda Health System (AHS) transferring ownership of San
- 4     Leandro Hospital to AHS as of October 31, 2013. This bill is
- 5     necessary to prevent the closure of the San Leandro Hospital in

1 *order to ensure the continuation of employment and benefits for*  
2 *the employees of San Leandro Hospital and the continuation of*  
3 *care for the residents of Alameda County.*

4 *SEC. 2. Section 31552.4 is added to the Government Code, to*  
5 *read:*

6 *31552.4. Employees and officers described in Section 101851*  
7 *of the Health and Safety Code shall not automatically become*  
8 *members of the retirement system of the health authority*  
9 *established pursuant to this chapter, and their eligibility for*  
10 *retirement benefits shall be established pursuant to the provisions*  
11 *of that section.*

12 ~~SECTION 1.~~

13 *SEC. 3. Section 101850 of the Health and Safety Code is*  
14 *amended to read:*

15 *101850. The Legislature finds and declares the following:*

16 (a) (1) Due to the challenges facing the Alameda County  
17 Medical Center arising from changes in the public and private  
18 health industries, the Alameda County Board of Supervisors has  
19 determined that a transfer of governance of the Alameda County  
20 Medical Center to an independent governing body, a hospital  
21 authority, is needed to improve the efficiency, effectiveness, and  
22 economy of the community health services provided at the medical  
23 center. The board of supervisors has further determined that the  
24 creation of an independent hospital authority strictly and  
25 exclusively dedicated to the management, administration, and  
26 control of the medical center, in a manner consistent with the  
27 county's obligations under Section 17000 of the Welfare and  
28 Institutions Code, is the best way to fulfill its commitment to the  
29 medically indigent, special needs, and general populations of  
30 Alameda County. To accomplish this, it is necessary that the board  
31 of supervisors be given authority to create a hospital authority.  
32 Because there is no general law under which this authority could  
33 be formed, the adoption of a special act and the formation of a  
34 special authority is required.

35 (2) The following definitions shall apply for purposes of this  
36 section:

37 (A) "The county" means the County of Alameda.

38 (B) "Governing board" means the governing body of the hospital  
39 authority.

1 (C) “Hospital authority” means the separate public agency  
2 established by the Board of Supervisors of Alameda County to  
3 manage, administer, and control the Alameda County Medical  
4 Center.

5 (D) “Medical center” means the Alameda County Medical  
6 Center.

7 (b) The board of supervisors of the county may, by ordinance,  
8 establish a hospital authority separate and apart from the county  
9 for the purpose of effecting a transfer of the management,  
10 administration, and control of the medical center in accordance  
11 with Section 14000.2 of the Welfare and Institutions Code. A  
12 hospital authority established pursuant to this chapter shall be  
13 strictly and exclusively dedicated to the management,  
14 administration, and control of the medical center within parameters  
15 set forth in this chapter, and in the ordinance, bylaws, and contracts  
16 adopted by the board of supervisors which shall not be in conflict  
17 with this chapter, Section 1442.5 of this code, or Section 17000  
18 of the Welfare and Institutions Code.

19 (c) A hospital authority established pursuant to this chapter shall  
20 be governed by a board that is appointed, both initially and  
21 continually, by the Board of Supervisors of the County of Alameda.  
22 This hospital authority governing board shall reflect both the  
23 expertise necessary to maximize the quality and scope of care at  
24 the medical center in a fiscally responsible manner and the diverse  
25 interest that the medical center serves. The enabling ordinance  
26 shall specify the membership of the hospital authority governing  
27 board, the qualifications for individual members, the manner of  
28 appointment, selection, or removal of governing board members,  
29 their terms of office, and all other matters that the board of  
30 supervisors deems necessary or convenient for the conduct of the  
31 hospital authority’s activities.

32 (d) The mission of the hospital authority shall be the  
33 management, administration, and other control, as determined by  
34 the board of supervisors, of the group of public hospitals, clinics,  
35 and programs that comprise the medical center, in a manner that  
36 ensures appropriate, quality, and cost-effective medical care as  
37 required of counties by Section 17000 of the Welfare and  
38 Institutions Code, and, to the extent feasible, other populations,  
39 including special populations in Alameda County.

1 (e) The board of supervisors shall adopt bylaws for the medical  
2 center that set forth those matters related to the operation of the  
3 medical center by the hospital authority that the board of  
4 supervisors deems necessary and appropriate. The bylaws shall  
5 become operative upon approval by a majority vote of the board  
6 of supervisors. Any changes or amendments to the bylaws shall  
7 be by majority vote of the board of supervisors.

8 (f) The hospital authority created and appointed pursuant to this  
9 section is a duly constituted governing body within the meaning  
10 of Section 1250 and Section 70035 of Title 22 of the California  
11 Code of Regulations as currently written or subsequently amended.

12 (g) Unless otherwise provided by the board of supervisors by  
13 way of resolution, the hospital authority is empowered, or the  
14 board of supervisors is empowered on behalf of the hospital  
15 authority, to apply as a public agency for one or more licenses for  
16 the provision of health care pursuant to statutes and regulations  
17 governing licensing as currently written or subsequently amended.

18 (h) In the event of a change of license ownership, the governing  
19 body of the hospital authority shall comply with the obligations  
20 of governing bodies of general acute care hospitals generally as  
21 set forth in Section 70701 of Title 22 of the California Code of  
22 Regulations, as currently written or subsequently amended, as well  
23 as the terms and conditions of the license. The hospital authority  
24 shall be the responsible party with respect to compliance with these  
25 obligations, terms, and conditions.

26 (i) (1) Any transfer by the county to the hospital authority of  
27 the administration, management, and control of the medical center,  
28 whether or not the transfer includes the surrendering by the county  
29 of the existing general acute care hospital license and corresponding  
30 application for a change of ownership of the license, shall not  
31 affect the eligibility of the county, or in the case of a change of  
32 license ownership, the hospital authority, to do any of the  
33 following:

34 (A) Participate in, and receive allocations pursuant to, the  
35 California Healthcare for the Indigent Program (CHIP).

36 (B) Receive supplemental reimbursements from the Emergency  
37 Services and Supplemental Payments Fund created pursuant to  
38 Section 14085.6 of the Welfare and Institutions Code.

39 (C) Receive appropriations from the Medi-Cal Inpatient Payment  
40 Adjustment Fund without relieving the county of its obligation to

1 make intergovernmental transfer payments related to the Medi-Cal  
2 Inpatient Payment Adjustment Fund pursuant to Section 14163 of  
3 the Welfare and Institutions Code.

4 (D) Receive Medi-Cal capital supplements pursuant to Section  
5 14085.5 of the Welfare and Institutions Code.

6 (E) Receive any other funds that would otherwise be available  
7 to a county hospital.

8 (2) Any transfer described in paragraph (1) shall not otherwise  
9 disqualify the county, or in the case of a change in license  
10 ownership, the hospital authority, from participating in any of the  
11 following:

12 (A) Other funding sources either specific to county hospitals or  
13 county ambulatory care clinics or for which there are special  
14 provisions specific to county hospitals or to county ambulatory  
15 care clinics.

16 (B) Funding programs in which the county, on behalf of the  
17 medical center and the Alameda County Health Care Services  
18 Agency, had participated prior to the creation of the hospital  
19 authority, or would otherwise be qualified to participate in had the  
20 hospital authority not been created, and administration,  
21 management, and control not been transferred by the county to the  
22 hospital authority, pursuant to this chapter.

23 (j) A hospital authority created pursuant to this chapter shall be  
24 a legal entity separate and apart from the county and shall file the  
25 statement required by Section 53051 of the Government Code.  
26 The hospital authority shall be a government entity separate and  
27 apart from the county, and shall not be considered to be an agency,  
28 division, or department of the county. The hospital authority shall  
29 not be governed by, nor be subject to, the charter of the county  
30 and shall not be subject to policies or operational rules of the  
31 county, including, but not limited to, those relating to personnel  
32 and procurement.

33 (k) (1) Any contract executed by and between the county and  
34 the hospital authority shall provide that liabilities or obligations  
35 of the hospital authority with respect to its activities pursuant to  
36 the contract shall be the liabilities or obligations of the hospital  
37 authority, and shall not become the liabilities or obligations of the  
38 county.

39 (2) Any liabilities or obligations of the hospital authority with  
40 respect to the liquidation or disposition of the hospital authority's

1 assets upon termination of the hospital authority shall not become  
2 the liabilities or obligations of the county.

3 (3) Any obligation of the hospital authority, statutory,  
4 contractual, or otherwise, shall be the obligation solely of the  
5 hospital authority and shall not be the obligation of the county or  
6 the state.

7 (l) (1) Notwithstanding any other provision of this section, any  
8 transfer of the administration, management, or assets of the medical  
9 center, whether or not accompanied by a change in licensing, shall  
10 not relieve the county of the ultimate responsibility for indigent  
11 care pursuant to Section 17000 of the Welfare and Institutions  
12 Code or any obligation pursuant to Section 1442.5 of this code.

13 (2) Any contract executed by and between the county and the  
14 hospital authority shall provide for the indemnification of the  
15 county by the hospital authority for liabilities as specifically set  
16 forth in the contract, except that the contract shall include a  
17 provision that the county shall remain liable for its own negligent  
18 acts.

19 (3) Indemnification by the hospital authority shall not be  
20 construed as divesting the county from its ultimate responsibility  
21 for compliance with Section 17000 of the Welfare and Institutions  
22 Code.

23 (m) Notwithstanding the provisions of this section relating to  
24 the obligations and liabilities of the hospital authority, a transfer  
25 of control or ownership of the medical center shall confer onto the  
26 hospital authority all the rights and duties set forth in state law  
27 with respect to hospitals owned or operated by a county.

28 (n) (1) A transfer of the maintenance, operation, and  
29 management or ownership of the medical center to the hospital  
30 authority shall comply with the provisions of Section 14000.2 of  
31 the Welfare and Institutions Code.

32 (2) A transfer of maintenance, operation, and management or  
33 ownership to the hospital authority may be made with or without  
34 the payment of a purchase price by the hospital authority and  
35 otherwise upon the terms and conditions that the parties may  
36 mutually agree, which terms and conditions shall include those  
37 found necessary by the board of supervisors to ensure that the  
38 transfer will constitute an ongoing material benefit to the county  
39 and its residents.

1 (3) A transfer of the maintenance, operation, and management  
2 to the hospital authority shall not be construed as empowering the  
3 hospital authority to transfer any ownership interest of the county  
4 in the medical center except as otherwise approved by the board  
5 of supervisors.

6 (o) The board of supervisors shall retain control over the use of  
7 the medical center physical plant and facilities except as otherwise  
8 specifically provided for in lawful agreements entered into by the  
9 board of supervisors. Any lease agreement or other agreement  
10 between the county and the hospital authority shall provide that  
11 county premises shall not be sublet without the approval of the  
12 board of supervisors.

13 (p) The statutory authority of a board of supervisors to prescribe  
14 rules that authorize a county hospital to integrate its services with  
15 those of other hospitals into a system of community service that  
16 offers free choice of hospitals to those requiring hospital care, as  
17 set forth in Section 14000.2 of the Welfare and Institutions Code,  
18 shall apply to the hospital authority upon a transfer of maintenance,  
19 operation, and management or ownership of the medical center by  
20 the county to the hospital authority.

21 (q) The hospital authority shall have the power to acquire and  
22 possess real or personal property and may dispose of real or  
23 personal property other than that owned by the county, as may be  
24 necessary for the performance of its functions. The hospital  
25 authority shall have the power to sue or be sued, to employ  
26 personnel, and to contract for services required to meet its  
27 obligations. Before January 1, 2024, the hospital authority shall  
28 not enter into a contract with any private person or entity to replace  
29 services being provided by physicians and surgeons who are  
30 employed by the hospital authority and in a recognized collective  
31 bargaining unit as of March 31, 2013, with services provided by  
32 a private person or entity without clear and convincing evidence  
33 that the needed medical care can only be delivered cost-effectively  
34 by a private contractor. Prior to entering into a contract for any of  
35 those services, the authority shall negotiate with the representative  
36 of the recognized collective bargaining unit of its physician and  
37 surgeon employees over the decision to privatize and, if unable to  
38 resolve any dispute through negotiations, shall submit the matter  
39 to final binding arbitration.



1 (r) Any agreement between the county and the hospital authority  
2 shall provide that all existing services provided by the medical  
3 center shall continue to be provided to the county through the  
4 medical center subject to the policy of the county and consistent  
5 with the county's obligations under Section 17000 of the Welfare  
6 and Institutions Code.

7 (s) A hospital authority to which the maintenance, operation,  
8 and management or ownership of the medical center is transferred  
9 shall be a "district" within the meaning set forth in the County  
10 Employees Retirement Law of 1937 (Chapter 3 (commencing with  
11 Section 31450) of Part 3 of Division 4 of Title 3 of the Government  
12 Code). Employees of a hospital authority are eligible to participate  
13 in the County Employees Retirement System to the extent  
14 permitted by ~~law~~ *law, except as described in Section 101851.*

15 (t) Members of the governing board of the hospital authority  
16 shall not be vicariously liable for injuries caused by the act or  
17 omission of the hospital authority to the extent that protection  
18 applies to members of governing boards of local public entities  
19 generally under Section 820.9 of the Government Code.

20 (u) The hospital authority shall be a public agency subject to  
21 the Myers-Milias-Brown Act (Chapter 10 (commencing with  
22 Section 3500) of Division 4 of Title 1 of the Government Code).

23 (v) Any transfer of functions from county employee  
24 classifications to a hospital authority established pursuant to this  
25 section shall result in the recognition by the hospital authority of  
26 the employee organization that represented the classifications  
27 performing those functions at the time of the transfer.

28 (w) (1) In exercising its powers to employ personnel, as set  
29 forth in subdivision (p), the hospital authority shall implement,  
30 and the board of supervisors shall adopt, a personnel transition  
31 plan. The personnel transition plan shall require all of the  
32 following:

33 (A) Ongoing communications to employees and recognized  
34 employee organizations regarding the impact of the transition on  
35 existing medical center employees and employee classifications.

36 (B) Meeting and conferring on all of the following issues:

37 (i) The timeframe for which the transfer of personnel shall occur.  
38 The timeframe shall be subject to modification by the board of  
39 supervisors as appropriate, but in no event shall it exceed one year

1 from the effective date of transfer of governance from the board  
2 of supervisors to the hospital authority.

3 (ii) A specified period of time during which employees of the  
4 county impacted by the transfer of governance may elect to be  
5 appointed to vacant positions with the Alameda County Health  
6 Care Services Agency for which they have tenure.

7 (iii) A specified period of time during which employees of the  
8 county impacted by the transfer of governance may elect to be  
9 considered for reinstatement into positions with the county for  
10 which they are qualified and eligible.

11 (iv) Compensation for vacation leave and compensatory leave  
12 accrued while employed with the county in a manner that grants  
13 affected employees the option of either transferring balances or  
14 receiving compensation to the degree permitted employees laid  
15 off from service with the county.

16 (v) A transfer of sick leave accrued while employed with the  
17 county to hospital authority employment.

18 (vi) The recognition by the hospital authority of service with  
19 the county in determining the rate at which vacation accrues.

20 (vii) The possible preservation of seniority, pensions, health  
21 benefits, and other applicable accrued benefits of employees of  
22 the county impacted by the transfer of governance.

23 (2) Nothing in this subdivision shall be construed as prohibiting  
24 the hospital authority from determining the number of employees,  
25 the number of full-time equivalent positions, the job descriptions,  
26 and the nature and extent of classified employment positions.

27 (3) Employees of the hospital authority are public employees  
28 for purposes of Division 3.6 (commencing with Section 810) of  
29 Title 1 of the Government Code relating to claims and actions  
30 against public entities and public employees.

31 (x) Any hospital authority created pursuant to this section shall  
32 be bound by the terms of the memorandum of understanding  
33 executed by and between the county and health care and  
34 management employee organizations that is in effect as of the date  
35 this legislation becomes operative in the county. Upon the  
36 expiration of the memorandum of understanding, the hospital  
37 authority shall have sole authority to negotiate subsequent  
38 memorandums of understanding with appropriate employee  
39 organizations. Subsequent memorandums of understanding shall  
40 be approved by the hospital authority.

1 (y) The hospital authority created pursuant to this section may  
2 borrow from the county and the county may lend the hospital  
3 authority funds or issue revenue anticipation notes to obtain those  
4 funds necessary to operate the medical center and otherwise provide  
5 medical services.

6 (z) The hospital authority shall be subject to state and federal  
7 taxation laws that are applicable to counties generally.

8 (aa) The hospital authority, the county, or both, may engage in  
9 marketing, advertising, and promotion of the medical and health  
10 care services made available to the community at the medical  
11 center.

12 (bb) The hospital authority shall not be a “person” subject to  
13 suit under the Cartwright Act (Chapter 2 (commencing with Section  
14 16700) of Part 2 of Division 7 of the Business and Professions  
15 Code).

16 (cc) Notwithstanding Article 4.7 (commencing with Section  
17 1125) of Chapter 1 of Division 4 of Title 1 of the Government  
18 Code related to incompatible activities, no member of the hospital  
19 authority administrative staff shall be considered to be engaged in  
20 activities inconsistent and incompatible with his or her duties as  
21 a result of employment or affiliation with the county.

22 (dd) (1) The hospital authority may use a computerized  
23 management information system in connection with the  
24 administration of the medical center.

25 (2) Information maintained in the management information  
26 system or in other filing and records maintenance systems that is  
27 confidential and protected by law shall not be disclosed except as  
28 provided by law.

29 (3) The records of the hospital authority, whether paper records,  
30 records maintained in the management information system, or  
31 records in any other form, that relate to trade secrets or to payment  
32 rates or the determination thereof, or which relate to contract  
33 negotiations with providers of health care, shall not be subject to  
34 disclosure pursuant to the California Public Records Act (Chapter  
35 5 (commencing with Section 6250) of Division 7 of Title 1 of the  
36 Government Code). The transmission of the records, or the  
37 information contained therein in an alternative form, to the board  
38 of supervisors shall not constitute a waiver of exemption from  
39 disclosure, and the records and information once transmitted shall  
40 be subject to this same exemption. The information, if compelled

1 pursuant to an order of a court of competent jurisdiction or  
2 administrative body in a manner permitted by law, shall be limited  
3 to in-camera review, which, at the discretion of the court, may  
4 include the parties to the proceeding, and shall not be made a part  
5 of the court file unless sealed.

6 (ee) (1) Notwithstanding any other law, the governing board  
7 may order that a meeting held solely for the purpose of discussion  
8 or taking action on hospital authority trade secrets, as defined in  
9 subdivision (d) of Section 3426.1 of the Civil Code, shall be held  
10 in closed session. The requirements of making a public report of  
11 actions taken in closed session and the vote or abstention of every  
12 member present may be limited to a brief general description  
13 devoid of the information constituting the trade secret.

14 (2) The governing board may delete the portion or portions  
15 containing trade secrets from any documents that were finally  
16 approved in the closed session that are provided to persons who  
17 have made the timely or standing request.

18 (3) Nothing in this section shall be construed as preventing the  
19 governing board from meeting in closed session as otherwise  
20 provided by law.

21 (ff) Open sessions of the hospital authority shall constitute  
22 official proceedings authorized by law within the meaning of  
23 Section 47 of the Civil Code. The privileges set forth in that section  
24 with respect to official proceedings shall apply to open sessions  
25 of the hospital authority.

26 (gg) The hospital authority shall be a public agency for purposes  
27 of eligibility with respect to grants and other funding and loan  
28 guarantee programs. Contributions to the hospital authority shall  
29 be tax deductible to the extent permitted by state and federal law.  
30 Nonproprietary income of the hospital authority shall be exempt  
31 from state income taxation.

32 (hh) Contracts by and between the hospital authority and the  
33 state and contracts by and between the hospital authority and  
34 providers of health care, goods, or services may be let on a nonbid  
35 basis and shall be exempt from Chapter 2 (commencing with  
36 Section 10290) of Part 2 of Division 2 of the Public Contract Code.

37 (ii) (1) Provisions of the Evidence Code, the Government Code,  
38 including the Public Records Act (Chapter 5 (commencing with  
39 Section 6250) of Division 7 of Title 1 of the Government Code),  
40 the Civil Code, the Business and Professions Code, and other

1 applicable law pertaining to the confidentiality of peer review  
2 activities of peer review bodies shall apply to the peer review  
3 activities of the hospital authority. Peer review proceedings shall  
4 constitute an official proceeding authorized by law within the  
5 meaning of Section 47 of the Civil Code and those privileges set  
6 forth in that section with respect to official proceedings shall apply  
7 to peer review proceedings of the hospital authority. If the hospital  
8 authority is required by law or contractual obligation to submit to  
9 the state or federal government peer review information or  
10 information relevant to the credentialing of a participating provider,  
11 that submission shall not constitute a waiver of confidentiality.  
12 The laws pertaining to the confidentiality of peer review activities  
13 shall be together construed as extending, to the extent permitted  
14 by law, the maximum degree of protection of confidentiality.

15 (2) Notwithstanding any other law, Section 1461 shall apply to  
16 hearings on the reports of hospital medical audit or quality  
17 assurance committees.

18 (jj) The hospital authority shall carry general liability insurance  
19 to the extent sufficient to cover its activities.

20 (kk) In the event the board of supervisors determines that the  
21 hospital authority should no longer function for the purposes as  
22 set forth in this chapter, the board of supervisors may, by ordinance,  
23 terminate the activities of the hospital authority and expire the  
24 hospital authority as an entity.

25 (ll) A hospital authority which is created pursuant to this section  
26 but which does not obtain the administration, management, and  
27 control of the medical center or which has those duties and  
28 responsibilities revoked by the board of supervisors shall not be  
29 empowered with the powers enumerated in this section.

30 (mm) (1) The county shall establish baseline data reporting  
31 requirements for the medical center consistent with the Medically  
32 Indigent Health Care Reporting System (MICRS) program  
33 established pursuant to Section 16910 of the Welfare and  
34 Institutions Code and shall collect that data for at least one year  
35 prior to the final transfer of the medical center to the hospital  
36 authority established pursuant to this chapter. The baseline data  
37 shall include, but not be limited to, all of the following:

38 (A) Inpatient days by facility by quarter.

39 (B) Outpatient visits by facility by quarter.

40 (C) Emergency room visits by facility by quarter.

1 (D) Number of unduplicated users receiving services within the  
2 medical center.

3 (2) Upon transfer of the medical center, the county shall  
4 establish baseline data reporting requirements for each of the  
5 medical center inpatient facilities consistent with data reporting  
6 requirements of the Office of Statewide Health Planning and  
7 Development, including, but not limited to, monthly average daily  
8 census by facility for all of the following:

9 (A) Acute care, excluding newborns.

10 (B) Newborns.

11 (C) Skilled nursing facility, in a distinct part.

12 (3) From the date of transfer of the medical center to the hospital  
13 authority, the hospital authority shall provide the county with  
14 quarterly reports specified in paragraphs (1) and (2) and any other  
15 data required by the county. The county, in consultation with health  
16 care consumer groups, shall develop other data requirements that  
17 shall include, at a minimum, reasonable measurements of the  
18 changes in medical care for the indigent population of Alameda  
19 County that result from the transfer of the administration,  
20 management, and control of the medical center from the county  
21 to the hospital authority.

22 (nn) A hospital authority established pursuant to this section  
23 shall comply with the requirements of Sections 53260 and 53261  
24 of the Government Code.

25 *SEC. 4. Section 101851 is added to the Health and Safety Code,*  
26 *to read:*

27 *101851. On or after the effective date of the act adding this*  
28 *section, the eligibility of an employee of the hospital authority*  
29 *described in this section to participate in the Alameda County*  
30 *Employees' Retirement Association, as prescribed in subdivision*  
31 *(s) of Section 101850, is limited as follows:*

32 *(a) (1) A person who has the following characteristics shall not*  
33 *become a member of the Alameda County Employees' Retirement*  
34 *Association upon entering the employ of the hospital authority or*  
35 *during a subsequent period of employment with the hospital*  
36 *authority and shall instead be subject to paragraph (2):*

37 *(A) The person is an employee of a facility on the date that the*  
38 *facility is acquired by, or merged into, the hospital authority or*  
39 *the person later becomes an employee of that facility after its*  
40 *acquisition or merger.*

1     (B) *The person is not a member of the Alameda County*  
2 *Employees' Retirement Association on the date that the facility is*  
3 *acquired by, or merged into, the hospital authority or when the*  
4 *person later becomes an employee of that facility.*

5     (C) *The person is not subject to a memorandum of understanding*  
6 *between the facility or hospital authority and a recognized union*  
7 *or bargaining agent.*

8     (2) *A person described by this subdivision shall become a*  
9 *participant in one or more retirement plans sponsored by the*  
10 *hospital authority that were adopted by the hospital authority on*  
11 *November 27, 2012, or as subsequently amended.*

12     (b) (1) *A person who has the following characteristics may*  
13 *become a member of the Alameda County Employees' Retirement*  
14 *Association, subject to paragraph (2), upon entering the employ*  
15 *of the hospital authority or during a subsequent period of*  
16 *employment with the hospital authority:*

17     (A) *The person is an employee of a facility on the date that the*  
18 *facility is acquired by, or merged into, the hospital authority or*  
19 *the person later becomes an employee of that facility after its*  
20 *acquisition or merger.*

21     (B) *The person is not a member of the Alameda County*  
22 *Employees' Retirement Association on the date that the facility is*  
23 *acquired by, or merged into, the hospital authority or when the*  
24 *person later becomes an employee of that facility.*

25     (C) *The person is subject to a memorandum of understanding*  
26 *between the facility or hospital authority and a recognized union*  
27 *or bargaining agent.*

28     (2) *The retirement benefits of a person described in this*  
29 *subdivision shall be governed by the applicable memorandum of*  
30 *understanding, which may provide for the person's membership*  
31 *in the Alameda County Employees' Retirement Association or*  
32 *prohibit that membership and instead provide either of the*  
33 *following:*

34     (A) *That the person shall become a participant in one or more*  
35 *retirement plans sponsored by the hospital authority that were*  
36 *adopted by the hospital authority on November 27, 2012, or as*  
37 *subsequently amended.*

38     (B) *That the hospital authority contribute on behalf of the person*  
39 *to a pension trust sponsored by a third party pursuant to which*  
40 *the hospital authority qualifies as a participating employer.*

1     (c) (1) Upon adoption of a resolution by the hospital authority  
2     making this subdivision applicable, a person who has the following  
3     characteristics shall not become a member of the Alameda County  
4     Employees' Retirement Association upon entering the employ of  
5     the hospital authority and shall instead be subject to paragraph  
6     (2):

7     (A) The person is hired by the hospital authority on or after the  
8     effective date of this section and on or after the effective date of  
9     the resolution.

10    (B) The person is not a member of the Alameda County  
11    Employees' Retirement Association on the date of hire.

12    (C) The person is not subject to a memorandum of understanding  
13    between the hospital authority and a recognized union or  
14    bargaining agent.

15    (2) A person described by this subdivision shall become a  
16    participant in one or more retirement plans sponsored by the  
17    hospital authority that were adopted by the hospital authority on  
18    November 27, 2012, or as subsequently amended.

19    (d) A person who is employed by the hospital authority on or  
20    before the effective date of this section who is not qualified for  
21    membership in the Alameda County Employees' Retirement  
22    Association at that time shall not become qualified for membership  
23    as a result of subsequent employment with the hospital authority  
24    on or after the effective date of this section. A person described in  
25    this subdivision shall be eligible to become a participant in one  
26    or more retirement plans sponsored by the hospital authority that  
27    were adopted by the hospital authority on November 27, 2012, or  
28    as subsequently amended.

29    ~~SEC. 2.~~

30    SEC. 5. The Legislature finds and declares that a special law  
31    is necessary and that a general law cannot be made applicable  
32    within the meaning of Section 16 of Article IV of the California  
33    Constitution because of the unique needs faced by Alameda County  
34    with respect to the operation and administration of Alameda County  
35    Medical Center.

36    SEC. 6. This act is an urgency statute necessary for the  
37    immediate preservation of the public peace, health, or safety within  
38    the meaning of Article IV of the Constitution and shall go into  
39    immediate effect. The facts constituting the necessity are:



- 1     *In order to provide for the transfer of health care facilities that*
- 2     *will ensure the continued access to care for residents of Alameda*
- 3     *County, it is necessary that this bill take effect immediately.*

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